

1 The Honorable Marsha J. Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BOARD OF TRUSTEES OF THE
EMPLOYEE PAINTERS' TRUST; BOARD
OF TRUSTEES OF THE WESTERN
WASHINGTON PAINTERS DEFINED
CONTRIBUTION PENSION TRUST; BOARD
OF TRUSTEES OF THE DISTRICT
COUNCIL NO. 5 APPRENTICESHIP AND
TRAINING TRUST FUND; BOARD OF
TRUSTEES OF THE INTERNATIONAL
PAINTERS AND ALLIED TRADES
INDUSTRY PENSION FUND; BOARD OF
TRUSTEES OF THE FINISHING TRADES
INSTITUTE; BOARD OF TRUSTEES OF
THE PAINTERS AND ALLIED TRADES
LABOR MANAGEMENT COOPERATION
INITIATIVE; WESTERN WASHINGTON
SIGNATORY PAINTING EMPLOYERS
ASSOCIATION; and INTERNATIONAL
UNION OF PAINTERS AND ALLIED
TRADES DISTRICT COUNCIL NO. 5,

Plaintiffs,

v.
EAGLE INDUSTRIAL PAINTING, LLC, an
Ohio limited liability company; STEVE
SECOND STIPULATED MOTION TO EXTEND DEADLINE TO
RESPOND TO COMPLAINT AND OTHER CASE DEADLINES - 1
(2:21-cv-00598 MJP)

NO. 2:21-cv-00598 MJP

**SECOND STIPULATED MOTION TO
EXTEND DEADLINE TO RESPOND
TO COMPLAINT AND OTHER CASE
DEADLINES**

NOTE ON MOTION CALENDAR:

August 13, 2021

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 628-6600

1 ZOUMBERAKIS, an individual; OLD
2 REPUBLIC SURETY COMPANY, a
3 Wisconsin corporation; INTERNATIONAL
4 FIDELITY INSURANCE COMPANY, a
Pennsylvania, corporation; DOES & ROES I-X,
Defendants.

6 The Plaintiffs, the Board of Trustees of the Employee Painters' Trust, *et al.* (collectively,
7 "Plaintiffs"), and the Defendants, Eagle Industrial Painting, LLC, Steve Zoumberakis, Old
8 Republic Surety Company, and International Fidelity Insurance Company (collectively,
9 "Defendants"), each acting by and through their undersigned counsel, hereby stipulate as
10 follows:

11 **I. RECITALS**

12 A. WHEREAS, the Complaint in this matter was filed on May 4, 2021 [ECF No. 1];
13 B. WHEREAS, this matter has not been scheduled for trial and there are no motions
14 currently pending before the Court;
15 C. WHEREAS, on June 7, 2021, the Court issued its Order Regarding Initial Disclosures,
16 Joint Status Report, and Early Settlement [ECF No. 7] ("Initial Scheduling Order"),
17 setting the following dates for initial disclosure and submission of the Joint Status Report
18 and Discovery Plan:
19 i. Deadline for FRCP 26(f) Conference: 7/6/2021;
20 ii. Initial Disclosures Pursuant to FRCP 26(a)(1): 7/12/2021; and
21 iii. Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f)
22 and Local Civil Rule 26(f): 7/19/2021;

24 SECOND STIPULATED MOTION TO EXTEND DEADLINE TO
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- D. WHEREAS, all Defendants have been served with a copy of the Summons and Complaint [ECF Nos. 9, 10, 14 & 15];
- E. WHEREAS, Notices of Appearance have been filed for each Defendant [ECF Nos. 8, 11 & 13];
- F. WHEREAS, a copy of the Initial Scheduling Order was provided to counsel for Defendants by Plaintiffs' counsel;
- G. WHEREAS, the Defendants have not filed an answer or responsive pleading;
- H. WHEREAS, the Court granted a first stipulated motion to extend deadlines on July 13, 2021;
- I. WHEREAS, counsel for Plaintiffs and Defendants have had initial and continuing conferences regarding this matter and all agree that early settlement is likely and in the best interests of all parties;
- J. WHEREAS, Plaintiffs and Defendants have continued informally exchanging documents to further the possibility of settlement;
- K. WHEREAS, Plaintiffs and Defendants have been unable to effectuate a final settlement within the previous 30 day extension, but continue to actively communicate and negotiate toward that purpose;
- L. WHEREAS, Plaintiffs and Defendants desire to extend the Defendants' responsive pleading deadline and other deadlines in this matter to allow time for the parties to explore settlement before additional significant fees and costs are incurred.

SECOND STIPULATED MOTION TO EXTEND DEADLINE TO
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1 NOW, THEREFORE, Plaintiffs and Defendants hereby stipulate and move the Court as
2 follows:

- 3 1. Plaintiffs and Defendants hereby move the Court for an extension of all Defendants'
4 deadlines to answer or otherwise respond to the Complaint to September 13, 2021.
- 5 2. Plaintiffs and Defendants propose that the other deadlines set in the Initial Scheduling
6 Order be extended as follows:
 - 7 a. Deadline for FRCP 26(f) Conference: 9/13/2021;
 - 8 b. Initial Disclosures Pursuant to FRCP 26(a)(1): 9/20/2021; and
 - 9 c. Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f)
10 and Local Civil Rule 26(f): 9/27/2021.
- 11 3. This is the second request for an extension of time to file responsive pleadings or for any
12 case deadlines and is not requested to cause delay or for any other improper purpose.

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24 SECOND STIPULATED MOTION TO EXTEND DEADLINE TO
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(2:21-cv-00598 MJP)

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1 DATED this 13th day of August, 2021.
2

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26 SECOND STIPULATED MOTION TO EXTEND DEADLINE TO
27 RESPOND TO COMPLAINT AND OTHER CASE DEADLINES - 5

28 (2:21-cv-00598 MJP)

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ORDER

Having reviewed the Stipulated Motion, the Court finds good cause to extend the case deadlines as requested and GRANTS the Motion. But this is the last extension the Court will grant to the Parties for these initial deadlines.

DATED this 16th Day of August, 2021.

Wesley P. Lehman

Marsha J. Pechman
United States Senior District Judge

SECOND STIPULATED MOTION TO EXTEND DEADLINE TO
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